

REMARKS

Claims 1-8 are pending in this application and were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2004/0167968 A1 (Wilson) in view of U.S. Patent Publication No. 2004/0177120 A1 (Kirsch) and further in view of U.S. Patent No. 6,819,932 B2 (Allison).

Regarding the rejection of independent Claim 1, the Examiner states that the combination of Wilson, Kirsch, and Allison teach each and every limitation of Claim 1. Upon reviewing the cited references, it is respectfully submitted that the Examiner is incorrect. More specifically, the Examiner states that Wilson does not teach or suggest SMS spam messages and the step of determining if a spam blocking option is set, and relies on the combination of Kirsch and Allison to cure this deficiency. Claim 1 of the present application is drawn to a device which determines if a spam blocking option is set when an SMS message to be transmitted to a subscriber of a mobile terminal is received. In other words, these steps are performed before the SMS message is delivered to the subscriber of the mobile terminal. This can save valuable wireless resources and a user's time.

Wilson teaches, when a spam message is first received by a mail device 100, that a user reads the message and determines whether it is spam. If the message is determined to be spam, a signature is sent to a spam-blocking server 102. When another mail device

106 receives the same message, before it is displayed to the user, spam-blocking client software 110 generates and sends one or more signatures to the spam-blocking server. The spam-blocking server then generates information which helps the mail device 106 determine whether the message is spam. This process of receiving a message as disclosed by Wilson is more clearly illustrated with reference to FIGs. 2 and 3, in which a message is received (Step 200) and then distinguishing properties are identified (Step 202). In other words, Wilson does not teach or suggest determining if a spam blocking option is set, and if the spam blocking option is set, accessing a spam-blocking information database.

The Examiner alleges that Kirsch teaches determining if a spam blocking option is set. However, Kirsch specifically teaches a filtering process begins when an e-mail is received (e.g., see paragraph 25, lines 1-2) and the e-mail is filtered by the recipient's "whitelists" (approved senders) and "blacklists" (unwanted senders) and thereafter a message is processed according to a given routine. In other words, the e-mail is received at the recipient's terminal and is filtered according to a recipient's whitelist or blacklist. Nowhere does Kirsch teach or suggest determining if a spam blocking option is set as recited in Claim 1. Moreover, Allison, which teaches a signaling message processing and routing node transmits and receives short message service (SMS) data packets via a communications network, does not cure this deficiency. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. §103(a) of Claim 1 be withdrawn.

Regarding the rejection of independent Claim 2, this claim contains similar recitations as those which are contained in Claim 1. Accordingly, as neither Wilson, Kirsch or Allison teach or suggest the recitation of if the spam blocking option is set, determining if the received message includes a predetermined word, said predetermined word being prestored in a spam-blocking information database, it is respectfully submitted that Claim 2 is allowable for at least the same reasons as set forth above with respect to the rejection of Claim 1.

Regarding the rejection of independent Claim 3, this claim contains similar recitations as those which are contained in Claim 1. Accordingly, as neither Wilson, Kirsch or Allison teach or suggest the recitations of when an SMS message is received, determining if a spam blocking option is set, and if the spam blocking option is set, accessing a database of previously-registered spam-blocking information to determine if the received message is an SMS spam message, it is respectfully submitted that Claim 3 is allowable for at least the same reasons as set forth above with respect to the rejection of Claim 1.

Independent Claims 1-3 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 4-8, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent

Claims 4-8 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-8, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over the typed name.

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/VAG/ml